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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/507,328	09/19/2005	Thomas Farrell	04-738	4004
20306 7590 03/03/2008 MCDONNELL BOEHNEN HULBERT & BERGHOFF LLP 300 S. WACKER DRIVE 32ND FLOOR CHICAGO, IL 60606				
EXAMINER RODRIGUEZ, ARMANDO				
ART UNIT		PAPER NUMBER		
2828				
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03/03/2008		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/507,328

Applicant(s)

FARRELL ET AL

Examiner

ARMANDO RODRIGUEZ

Art Unit

2828

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 27 December 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-39 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-39 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SG/US)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Response to Arguments

Applicant's arguments filed December 19, 2007 have been fully considered but they are not persuasive.

Applicant's arguments on page 10 of the remarks regarding claim 21, pertains to the cited reference of Broberg not teaching (a) the step of measuring output values from the laser as a function of coarse tuning currents and (b) the step of forming a first discrete matrix from the outputs.

(a) Applicant's attention is directed to Broberg page 3 lines 1-16, which discloses varying the currents [applicant's tuning currents] and discloses sensing the laser [applicant's output].

(b) Applicant's attention is directed to Broberg page 3 lines 1-16, which discloses the control unit detecting a mode plane or several mode planes [applicant's discrete matrix] and storing them in memory.

Applicant's arguments on page 11 of the remarks, pertains to a quote from page 2 paragraph 2 of Broberg. Applicant has incorrectly quoted Broberg and the quote discusses a conventional art and not Broberg's invention, therefore the arguments are irrelevant.

Applicant's arguments on page 11 of the remarks regarding claim 35, pertains to the cited reference of Broberg not teaching the steps of (a) measuring output power of the devices as a function of coarse tuning sections and (b) determining an edge map or discontinuities in the measured data.

(a) Applicant's attention is directed to page 6 line 25 to page 7 line 17 of Broberg, which discloses varying the currents to the different laser sections [applicant's tuning section] and measuring output optical power.

(b) Figure 6 illustrates discontinuities of the mode planes [applicant's measured data].

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-39 are rejected under 35 U.S.C. 102(b) as being anticipated by Broberg et al (WO 99/40654).

Regarding claim 21,

Figure 8 illustrates a multi-section tuneable laser, page 3 lines 1-16 discloses varying the currents [applicant's tuning currents] and discloses sensing the laser [applicant's output]. The abstract and page 3 lines 1-16, discloses the control unit detecting a mode plane or several mode planes [applicant's discrete matrix] and storing them in memory to determine stable operating points. Figures 4 and 6 illustrates the operating points, page 5 line 29 to page 6 line 15.

Regarding claim 22,

Page 1 lines 10-20 discloses output power.

Regarding claim 23,

Figure 8 illustrates a monitor diode (36) [applicant's measuring].

Regarding claim 24,

Figures 4 and 6 illustrates a graphical view of the plane of values.

Regarding claims 25, 26,

Figures 4 and 6 illustrates the operating points, page 5 line 29 to page 6 line 15.

Regarding claims 27-34,

Figures 4 and 6 illustrates the operating points (page 5 line 29 to page 6 line 15) and figure 6 illustrates discontinuities of the mode planes [applicant's measured data].

Regarding claims 35-39,

Figure 8 illustrates a multi-section tuneable laser page 6 line 25 to page 7 line 17 discloses varying the currents to the different laser sections [applicant's tuning section] and measuring output optical power. Figures 4 and 6 illustrates the operating points (page 5 line 29 to page 6 line 15) and figure 6 illustrates discontinuities of the mode planes [applicant's measured data]. The abstract and page 3 lines 1-16, discloses the control unit detecting a mode plane or several mode planes [applicant's discrete matrix] and storing them in memory to determine stable operating points.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not

mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to ARMANDO RODRIGUEZ whose telephone number is 571-272-1952. The examiner can normally be reached on 9:00 AM - 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, MINSUN HARVEY can be reached on 571-272-1835. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/ARMANDO RODRIGUEZ/
Primary Examiner
Art Unit 2828

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